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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,363	07/17/2003	Yasushi Abe	R2180.0161/P161	8922
24998	7590	01/31/2008		
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER LEE, TOMMY D	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 01/31/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No.	Applicant(s)	
	10/620,363	ABE ET AL.	
	Examiner	Art Unit	
	Thomas D. Lee	2625	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) ~~the date~~ (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS


3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: 4-10, 16-20 and 24-28.
- Claim(s) rejected: 1, 3, 11-13, 15, 21 and 23.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

  
 Thomas D. Lee  
 Primary Examiner  
 Technology Division 2625

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments in response to the rejection of claims 1, 3 and 11 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,317,652 (Chatterjee), and claims 12 -15, 21 and 23 under 35 U.S.C. 103(a) as being unpatentable over Chatterjee, are not deemed to be persuasive. Applicant asserts that "Chatterjee is directed at a different issue and teaches processing an image area and recognizing characters and does not teach or concern with separating the image data into a 'character portion' and a 'figure portion.' At best, Chatterjee extracts character portions by performing optical character recognition, but fails to separate using a 'SIMD processor' a 'character portion' from a 'figure portion.'" (pages 11-12 of the after-final amendment). Contrary to applicant's assertion, Chatterjee provides a SIMD array parallel processor array unit (column 5, lines 18-19) to segment characters out of a raw camera image (column 10, line 67 - column 11, line 11). Segmentation of characters out of an image clearly implies separation of a character portion from a figure portion. In particular, Chatterjee, at column 7, lines 28-34, states: "The digitized image data is then processed by the parallel processor 28 to create a segmented image of the characters. For this step of image processing, many of the AISI software functions such as the gray scale and binary functions are executed in appropriate order in order to bring out the character image from the rest of the image." The parallel processor 28 is a SIMD array (column 5, lines 18-19). Segmentation of characters out of an image clearly implies separation of a character portion from a figure portion. As for Applicant's assertion that Chatterjee is directed at a different issue, the claims merely recited an image-area separation apparatus. Chatterjee segments characters out of a raw camera image, and thus is an image -area separation apparatus. Regarding claim 12, Applicant states that Chatterjee further does not disclose "an image -processing means for switching over contents of the image data in accordance with the result of the image -separation operation performed by the image -separation apparatus" (page 12 of the after-final amendment). As mentioned in the prior Office action, this limitation is disclosed in Chatterjee, at col. 7, line 50 - col. 8, line 9. It should be noted that applicant states that this passage was cited in the Office action to teach the element "said SIMD processor separates image data into a character portion and a figure portion; however, the actual passage that discloses the separation is col. 7, lines 28-49 and col. 10, line 67 - col. 11, line 11 (page 9 of the prior Office action). Applicant further asserts that the Office has failed to show how the character recognition satisfies both elements "at the same time," but the claims are silent with regard to when these elements are satisfied relative to each other. As for Applicant's assertion that Chatterjee does not disclose a computer -readable medium comprising processing routines executed by the SIMD processor, it is maintained that it is well known in the art to provide means within an image processing apparatus, such as internal ROM, or external means, such as CD -ROM, storing programs for enabling the image processing apparatus or computer to perform image -processing tasks, in general, and that it would have been obvious for one of ordinary skill in the art to provide a computer -readable program or computer-readable medium for performing the image -segmentation steps disclosed in Chatterjee, so that such steps may be conveniently performed on a computer.